

State Water Resources Control Board

Division of Drinking Water

July 5, 2018

System No. 1500571

Danny Doustan, Owner
Lucky 18 on Rosamond, LLC
295 Madison Ave. #977
New York, NY 10017

CITATION NO. 03_19_18C_022

COMPLIANCE ORDER DIRECTIVES VIOLATION – LUCKY 18 ON ROSAMOND

Dear Mr. Doustan:

Attached you will find Citation No. 03_19_18C_022 that the State Water Resources Control Board (State Water Board), Division of Drinking Water is issuing to the Luck 18 on Rosamond, LLC Water System (Water System) to document the Water System's failure to follow the directives set forth in Compliance Order No. 03_19_17R_004 (**Appendix 2**), which was issued as a result of Well 02 supplying water that exceeds the maximum contaminant level (MCL) for arsenic and noncompliance with the California Health and Safety Code, Section 116650(a). Specifically, the Water System has failed to provide public notification, proof of notification, and quarterly progress reports to the State Water Board and is in violation of Directive Nos. 3, 4, and 9, and California Code of Regulations (CCR), Title 22, Sections 64463.4 and 64469(d). As discussed in the citation, the Water System is required to notify the persons, served by the Water System every quarter the arsenic MCL is violated and provide proof of public notification to the State Water Board no later than 10 days after the public notification has been issued to customers of the Water System. Templates were provided in Compliance Order No. 03_19_17R_004 (Attachments B & C). Additionally, all actions taken to achieve compliance by the Water System are required to be submitted in the form of a quarterly progress report each quarter. A template (Attachment D) was provided in Compliance Order No. 03_19_17R_004.

The Water System has been billed at the State Water Board's hourly rate for the time spent on issuing this Citation. We have spent one (1) hour on preparation of this citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public Water System must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 | www.waterboards.ca.gov

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. **Appendix 1** to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

By **July 16, 2018**, the Water System shall complete and return to the State Water Board the "Notification of Receipt" form attached to this citation as **Appendix 7**. Completion of this form confirms that the Water System has received this citation and understands that it contains legally enforceable directives with due dates.

If you have any questions regarding this matter, please contact the District 19 office at (661) 335-7315 or via email at dwpdist19@waterboards.ca.gov.

Sincerely,



Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
Southern California Drinking Water Field Operations Branch
DIVISION OF DRINKING WATER

Enclosure: Citation No. 03_19_18C_022

Certified Mail No. 7012 1010 0001 3880 1812

cc: Kern County Dept. of Public Health, Env. Health Division (w/o enclosure)
skOO'kum h₂O, monitoring, inc., Water Quality Contact (via email)
Albert Talassazan, Lucky 18 on Rosamond, LLC Water System (via email)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Lucky 18 on Rosamond, LLC

Water System No: 1500571

Attention: Dannie Doustan, Owner
Lucky 18 on Rosamond, LLC
295 Madison Ave. #977
New York, NY 10017

Issued: July 5, 2018

**CITATION FOR NONCOMPLIANCE WITH
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116650(a)
AND CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64463.4 & 64469(d)
FAILURE TO COMPLY WITH COMPLIANCE ORDER DIRECTIVES
2nd QUARTER 2017 TO 2nd QUARTER 2018**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section

116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 03_19_18C_022 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Lucky 18 on Rosamond, LLC (hereinafter "Water System"), for violation of CHSC, Section 116650(a) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64463.4 and 64469(d).

A copy of the applicable statutes and regulations are included in **Appendix 1**, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System's domestic water supply system is classified as a community public water system with a population of 73, serving 60 service connections. The Water System operates its domestic water supply system under Water Supply Permit No. 03_12_95P_047, issued on December 19, 1995, by the California Department of Health Services. The Water System is a community public water system, as defined in CHSC, Section 116275, and has been under the regulatory jurisdiction of the State Water Board, effective July 1, 2014.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations

1 adopted by the State Water Board that pertain to maximum contaminant
2 levels. CHSC, Section 116650(a) requires all public water systems to comply
3 with directives set forth by the State Water Board in any permit, standard,
4 citation, and order issued to public water systems.

5
6 On April 25, 2017, the State Water Resources Control Board, Division of
7 Drinking Water issued Compliance Order No. 03_19_17R_004 (**Appendix 2**),
8 to the Lucky 18 on Rosamond, LLC Water System for failing to comply with
9 the arsenic MCL. Within the Compliance Order, the State Water Board set
10 forth Directive Nos. 3, 4, and 9, which require the Water System to issue
11 quarterly public notification to customers of the arsenic MCL violation, submit
12 proof of notification to the State Water Board within 10 days of issuing the
13 public notification, and submit quarterly progress reports to the State Water
14 Board. The State Water Board has received none of the required documents
15 from second quarter of 2017 to second quarter of 2018.

16
17 Pursuant to Directive No. 3 of the above-mentioned compliance order and
18 CCR, Title 22, Section 64463.4, the Water System is required to issue public
19 notification to all users its water system every quarter that the Water System
20 is in violation of the arsenic MCL. Additionally, pursuant to Directive No. 4 of
21 the compliance order and CCR, Title 22, Section 64469(d), the Water System
22 is required to issue proof of public notification to the State Water Board, no
23 later than 10 days after issuing the public notification to customers. Lastly,
24 per Directive No. 9 of the compliance order and under the CHSC, Section
25 116650(a), the Water System is required to submit a quarterly progress report
26 to the State Water Board to indicate all steps that have been taken by the
27 Water System during the quarter, to return to compliance with the arsenic
28 MCL.

DETERMINATION

The State Water Board has determined that from 2nd quarter of 2017 to 2nd quarter of 2018, the Water System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116650(a) and public notification requirements pursuant to CCR, Title 22, Sections 64463.4 and 64469(d). The Water System also failed to comply with Directive Nos. 3, 4, and 9 of Compliance Order No. 03_19_17R_004 for these quarters.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Directives of Compliance Order No. 03_19_17R_004 and CHSC, Section 116650(a), and CCR, Title 22, Sections 64463.4 and 64469(d).
2. Provide quarterly public notification when the Water System fails to meet the arsenic MCL, during any calendar quarter that the four-quarter running annual average exceeds the MCL. A public notification template can be found in **Appendix 3**.
3. Submit proof of each public notification conducted in compliance with Directive No. 2, herein above, within 10 days following each such notification, using the form provided in **Appendix 4**.
4. On or before July 10, 2018, and every three months thereafter, submit a report to the Division in the form provided in **Appendix 5**, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
5. On or before **July 16, 2018**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Citation as **Appendix 6**. Completion of this form confirms that the Water System has received this

Citation and understands that it contains legally enforceable directives with due dates.

All submittals required by this Citation shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation/compliance order number and title of the document being submitted.

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
dwpdist19@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

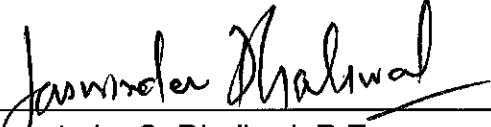
This Citation shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public Water System for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public Water System if the public Water System has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public Water System that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

July 5, 2018
Date

Appendices (6):

1. Applicable Statutes and Regulations
2. Compliance Order No. 03_19_17R_004 (w/o attachments)
3. Public Notification Template
4. Certification of Public Notification Template
5. Quarterly Progress Report Template
6. Notification of Receipt

CC: Kern County Dept. of Public Health, Env. Health Division (w/o appendices)
skOO'kum h20 monitoring, inc., Water Quality Contact (via email)
Albert Talassazan, Lucky 18 on Rosamond, LLC Water System (via email)

JSD/zm

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 03_19_18C_022

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271. Transition of CDPH duties to State Board states in relevant part

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water system Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public Water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public Water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public Water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116275. Definitions states in relevant part:

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

Section 116555. Operational requirements states in relevant part:

- (a) Any person who owns a public Water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that Water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public Water system under the jurisdiction of the local primacy agency, a public Water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public Water system of all or any part of the invoice or penalty.

Section 116625. Revocation and suspension of permits states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650. Citations states:

(a) If the state board determines that a public Water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public Water system. The citation shall be served upon the public Water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom

a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701. Petitions to Orders and Decisions states:

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

(A) Denial of an application for certification or accreditation under Section 100855.

(B) Issuance of an order directing compliance under Section 100875.

(C) Issuance of a citation under Section 100880.

(D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations (CCR), Title 22:

§64463.4. Tier 2 Public Notice.

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the Water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the Water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

§64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we [did not monitor or test] or [did not complete all monitoring or testing] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

(1) An explanation of the reasons for the variance or exemption;

(2) The date on which the variance or exemption was issued;

- (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-D. Health Effects Language Inorganic Contaminants.

Contaminant	Health Effects Language
Aluminum	Some people who drink water containing aluminum in excess of the MCL over many years may experience short-term gastrointestinal tract effects.
Antimony	Some people who drink water containing antimony in excess of the MCL over many years may experience increases in blood cholesterol and decreases in blood sugar.
Arsenic	Some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer.
Asbestos	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium	Some people who drink water containing barium in excess of the MCL over many years may experience an increase in blood pressure.
Beryllium	Some people who drink water containing beryllium in excess of the MCL over many years may develop intestinal lesions.
Cadmium	Some people who drink water containing cadmium in excess of the MCL over many years may experience kidney damage.
Chromium	Some people who use water containing chromium in excess of the MCL over many years may experience allergic dermatitis.
Copper	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time may experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years may suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Cyanide	Some people who drink water containing cyanide in excess of the MCL over many years may experience nerve damage or thyroid problems.
Fluoride	<i>For the Consumer Confidence Report:</i> Some people who drink water containing fluoride in excess of the federal MCL of 4 mg/L over many years may get bone disease, including pain and

Contaminant	Health Effects Language
	<p>tenderness of the bones. Children who drink water containing fluoride in excess of the state MCL of 2 mg/L may get mottled teeth.</p> <p><i>For a Public Notice:</i> This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/L.</p> <p>Dental fluorosis may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.</p> <p>Drinking water containing more than 4 mg/L of fluoride can increase your risk of developing bone disease.</p> <p>For more information, please call [water system contact name] of [water system name] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call the State Board's Residential Water Treatment Device Registration Unit at (916) 449-5600.</p>
Lead	Infants and children who drink water containing lead in excess of the action level may experience delays in their physical or mental development. Children may show slight deficits in attention span and learning abilities. Adults who drink this water over many years may develop kidney problems or high blood pressure.
Mercury	Some people who drink water containing mercury in excess of the MCL over many years may experience mental disturbances, or impaired physical coordination, speech and hearing.
Nickel	Some people who drink water containing nickel in excess of the MCL over many years may experience liver and heart effects.
Nitrate	Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.
Nitrite	Infants below the age of six months who drink water containing nitrite in excess of the MCL may become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blueness of the skin.
Perchlorate	Perchlorate has been shown to interfere with uptake of iodide by the thyroid gland, and to thereby reduce the production of thyroid hormones, leading to adverse effects associated with inadequate hormone levels. Thyroid hormones are needed for normal prenatal growth and development of the fetus, as well as for normal growth and development in the infant and child. In adults, thyroid hormones are needed for normal metabolism and mental function.
Selenium	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years may experience hair or fingernail losses, numbness in fingers or toes, or circulation system problems.
Thallium	Some people who drink water containing thallium in excess of the MCL over many years may experience hair loss, changes in their blood, or kidney, intestinal, or liver problems.

§64469. Reporting Requirements.

(a) Analytical results of all sample analyses completed in a calendar month shall be reported to the State Board no later than the tenth day of the following month.

(b) Analytical results of all sample analyses completed by water wholesalers in a calendar month shall be reported to retail customers and the State Board no later than the tenth day of the following month.

(c) Analytical results shall be reported to the State Board electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

APPENDIX 2. COMPLIANCE ORDER NO. 03_19_17R_004
ARSENIC MCL VIOLATION
LUCKY 18 ON ROSAMOND, LLC WATER SYSTEM

State Water Resources Control Board
Division of Drinking Water

April 25, 2017

Mr. Danny Doustan, Owner
Lucky 18 on Rosamond, LLC Water System
65 Dianas Trail
Roslyn, NY 11576

**RE: LUCKY 18 ON ROSAMOND, LLC WATER SYSTEM (SYSTEM NO.1500571), COMPLIANCE ORDER
FOR VIOLATION OF MAXIMUM CONTAMINANT LEVEL (MCL) FOR ARSENIC**

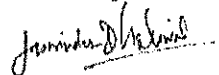
Dear Mr. Doustan:

Enclosed is Compliance Order No. 03_19_17R_004 that the State Water Resources Control Board (State Board), Division of Drinking Water is issuing to the Lucky 18 on Rosamond, LLC Water System (hereinafter Water System) for a violation of the California Safe Drinking Water Act. The Water System has been serving water to consumers that violates the primary maximum contaminant level (MCL) for arsenic of 0.010 milligrams-per-liter (mg/L). As discussed in the compliance order, the Water System shall develop and implement a plan to resolve the MCL violation for arsenic to ensure compliance with the drinking water standards.

Please note that on or before May 26, 2017, the Water System is required to submit a written response to the State Board indicating its agreement to comply with the directives of the compliance order and with the Corrective Action Plan addressed in the said compliance order. **On or before June 30 2017, the Water System is required to submit the Corrective Action Plan, required under Directive No. 6 of the compliance order, to the State Board's office, located at 4925 Commerce Drive, Suite 120, Bakersfield, California 93309. Deadline to achieve compliance with the arsenic MCL is May 29, 2018.** Until the State Board determines that the Water System is in compliance with the arsenic MCL, you must continue to provide quarterly public notification for arsenic and also conduct quarterly arsenic monitoring of Well 02. After providing quarterly public notification, a copy of the public notice along with a completed Certification of Public Notification form (**Attachment B** of the compliance order) should be submitted to the State Board's Bakersfield office. **Failure to comply with deadlines and directives specified in the compliance order will result in further enforcement action by the State Board.**

If you have any questions regarding this matter, please contact me at (661) 335-7318 or Carl Carlucci, Supervising Sanitary Engineer at (559) 447-3132.

Sincerely,



Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
Southern California Branch
DRINKING WATER FIELD OPERATIONS

Enclosure: Compliance Order No. 03_19_17R_004

CC: Kern County Dept. of Public Health, Env. Health Services Division
Daniel Sackett, Contract Sampler, skOO'kum h2o monitoring, inc. (via email)

1
2 CALIFORNIA
3 STATE WATER RESOURCES CONTROL BOARD
4 DIVISION OF DRINKING WATER

5 TO: Lucky 18 on Rosamond, LLC Water System; System No.1500571
6 ATTN: Mr. Danny Doustan, Owner
7 Lucky 18 on Rosamond, LLC Water System
8 65 Dianas Trail
9 Roslyn, NY 11576

10 CERTIFIED MAIL

11 COMPLIANCE ORDER NO. 03_19_17R_004
12 FOR
13 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1)
14 AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC
15 Issued April 25, 2017

16 The State Water Resources Control Board (hereinafter "State Board"), acting by and through
17 its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
18 (hereinafter "Deputy Director"), hereby issues this compliance order (hereinafter "Order")
19 pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to
20 Lucky 18 on Rosamond, LLC Water System for violation of CHSC section 116555(a)(1) and
21 Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

22 APPLICABLE AUTHORITIES

23 CHSC, Section 116655(a)(1) states in relevant part:

24 (a) Any person who owns a public water system shall ensure that the system does all of the
25 following:

26 (1) Complies with primary and secondary drinking water standards.
27

CHSC, Section 116655 states in relevant part:

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432 (hereinafter "Section 64432") provides in relevant part:

Section 64432

...

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the State Board within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the State Board within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the State Board within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the State Board and resample as confirmation. The water supplier shall notify the State Board of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the State Board;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the State Board.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in

1
2 violation. If a system takes more than one sample in a quarter, the average of all the results
3 for that quarter shall be used when calculating the running annual average. If a system fails to
4 complete four consecutive quarters of monitoring, the running annual average shall be based
5 on an average of the available data.

6 **STATEMENT OF FACTS**

7 The State Board is informed by the Lucky 18 on Rosamond, LLC Water System (hereinafter
8 "Water System") and believes that the Water System is a community water system, located in
9 Kern County that supplies water for domestic purposes to approximately 73 individuals
10 through 60 service connections. The Water System utilizes two groundwater wells (Well 01 -
11 East, PS Code: 1500571-001 and Well 02 - West, PS Code: 1500571-002). Well 01 - East is
12 not currently operational, and has not been operational since third quarter of 2013 (for over
13 3½ years), due to the pump being broken. The Water System has not indicated any plans for
14 repairing or replacing the pump. By a letter dated April 17, 2017, the State Board changed the
15 status of Well 01 - East from "active" to "inactive". The Water System operates under
16 Domestic Water Supply Permit No. 03-12-95P-047, issued on December 19, 1995, by the
17 California Department of Health Services. The Water System is a community public water
18 system, as defined in CHSC, Section 116275, and has been under the regulatory jurisdiction
19 of the State Board, effective July 1, 2014.

20
21 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards
22 and monitoring and reporting requirements for inorganic constituents. Community and
23 nontransient noncommunity water systems must comply with the maximum contaminant level
24 for arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.
25
26
27

Samples collected from Well 01 and Well 02 on April 2, 2008, showed arsenic concentrations of 0.012 and 0.013 mg/L, respectively. Therefore, in accordance with Section 64432 (g), the Water System was required to begin quarterly arsenic monitoring of Well 01 and Well 02 unless it chose to submit an additional sample, which it did not do. Section 64432(i) provides that compliance with the arsenic MCL is based on a running annual average (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64432 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

The Water System was previously issued a compliance order (No. 03-19-09O-017) on January 23, 2009, for violation of the arsenic MCL in Well 01 – East and Well 02 – West. Since issuance of the compliance order, the Water System has continued to violate the arsenic MCL for several quarters. A summary of arsenic results (based on the results reported to the State Board), is provided as **Attachment A**. The summary also shows the RAA values starting from the 4th quarter of 2008.

A summary of the most current Water System's quarterly arsenic monitoring since 2016 is presented in Table 1 below. All results are as reported to the State Board by the laboratory that performed the analyses.

Table 1: Well 02 – West: Arsenic Monitoring Results and RAA Values (mg/L)

<i>Sample Date</i>	<i>Well 02 Result</i>	<i>Well 02 RAA</i>
1 st Quarter of 2016	0.031	0.031
2 nd Quarter of 2016	0.031	0.030

<i>Sample Date</i>	<i>Well 02 Result</i>	<i>Well 02 RAA</i>
3 rd Quarter of 2016	0.033	0.031
4 th Quarter of 2016	0.032	0.032
1 st Quarter of 2017	0.032	0.032

As shown in Table 1 above, the calculated RAA values from the 1st quarter of 2016 to the 1st quarter of 2017, for the results of arsenic samples collected from Well 02 - West, exceed the arsenic MCL of 0.010 mg/L.

DETERMINATIONS

Based on the above Statement of Facts, the State Board has determined that the Water System has violated CHSC, Section 116555 and Section 64431 in that the water produced by Well 02 - West exceeded the arsenic MCL, as shown in Attachment A and Table 1 above. Furthermore, the State Board has determined that said violation continued from the 4th quarter of 2008 to the 2nd quarter of 2013 for Well 01 - East and from the 1st quarter of 2008 to the 1st quarter of 2017 for Well 02 - West.

DIRECTIVES

The Lucky 18 on Rosamond, LLC Water System is hereby directed to take the following actions:

1. On or before May 29, 2018, comply with Title 22, CCR, Section 64431 and remain in compliance.

2. On or before May 26, 2017, submit a written response to the State Board indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment C, hereto.
5. Commencing on the date of service of this Order collect quarterly samples for arsenic from Well 02 – West (PS Code 1500571-002), as required by Section 64432(g), and ensure that the analytical results are reported to the State Board electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.
6. Prepare for State Board approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets

primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than May 29, 2018.

7. On or before June 30, 2017, submit the Corrective Action Plan required under Directive No. 6, above, to the State Board, at the State Board's office located at 4925 Commerce Drive, Suite 120, Bakersfield, CA 93309.
8. Timely perform the State Board approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
9. On or before June 30, 2017, and every three months thereafter, submit a report to the State Board in the form provided as Attachment D, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the State Board that the water delivered by Water System complies with the arsenic MCL.
11. Notify the State Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Tehachapi District
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System.

The State Board reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND


This Order shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Order are severable, and the Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Order.


Carl L. Carlucci, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water

4-25-2017
Date



Certified Mail No. 7016 1370 0000 0455 2515

Attachments

- Attachment A: Report Showing a Summary of Arsenic Results and RAA Values
- Attachment B: Arsenic Public Notification Template
- Attachment C: Certification of Completion of Public Notification Template
- Attachment D: Quarterly Progress Report Template

cc: Kern County Dept. of Public Health, Env. Health Services Division (w/o attachments)
Daniel Sackett, Contract Sampler & Distribution Operator (via email)

Appendix 3: Instructions for Tier 2 Arsenic MCL Notice Template

Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a...	You Must Notify Consumers by...	...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in public places served by the Water System or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone

number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Lucky 18 on Rosamond, LLC Water System Has Levels of Arsenic Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Based on the samples collected from the ____ quarter of _____ water produced Well 02 contained an average of _____ milligrams per liter of arsenic. The water produced is above the arsenic maximum contaminant level (MCL) of 0.010 mg/L. This standard is based upon the running annual average of the most recent quarterly arsenic monitoring.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Lucky 18 on Rosamond, LLC Water System is working with the State Water Resources Control Board, Division of Drinking Water to consolidate with Rosamond Community Services District.

For more information, please contact Danny Doustan at (516) 526-2692, with the Lucky 18 on Rosamond, LLC Water System.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

State Water System ID#: 1500571 Date distributed: _____

Appendix 4. Certification of Completion of Public Notification
(Include a Copy of Public Notice with the Certification of Completion of Public Notification)

This form, when completed and returned to the Division of Drinking Water – Tehachapi District (4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 or fax to 661-335-7316 or email to dwpdist19@waterboards.ca.gov), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Lucky 18 on Rosamond, LLC Water System

Public Water System No.: 1500571

Public notification for: arsenic violation for the () quarter of

was performed by the following method(s) (check and complete those that apply):

- ☐ The notice was mailed to users on: _____
A copy of the notice is attached.
- ☐ The notice was hand delivered to water customers on: _____
A copy of the notice is attached.
- ☐ The notice was published in the local newspaper on: _____
A copy of the newspaper notice is attached.
- ☐ The notice was posted at conspicuous places on: _____
A copy of the notice is attached.
A list of locations the notice was posted is attached.
- ☐ The notice was delivered to community organizations on: _____
A copy of the notice is attached.
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

Printed Name

Title

Signature

Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers.

Enforcement Action Nos. 03_19_18C_022 and 03_19_17R_004

Quarterly Progress Report

Water System: Lucky 18 on Rosamond, LLC	Water System No.: 1500571
Compliance Order No.: 03_19_17R_004	Violation: Arsenic MCL
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Tehachapi District Office.

Summary of Compliance Plan:

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Tasks completed in the reporting quarter:

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Tasks remaining to complete:

--

Anticipate compliance date:

--

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Name

--

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Signature

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APPENDIX 6 – NOTIFICATION OF RECEIPT

1

Citation Number: 03_19_18C_022

Name of Water System: Lucky 18 on Rosamond, LLC Water System

System Number: 1500571

Certification

I certify that I am an authorized representative of the Lucky 18 on Rosamond, LLC Water System and that Citation No. 03_19_18C_022 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Lucky 18 on Rosamond, LLC Water System and it is clearly understood that Citation No. No. 03_19_18C_022 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,
DIVISION OF DRINKING WATER, NO LATER THAN JULY 16, 2018**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 State that any person who knowingly makes any false Statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.